

U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

September 13, 2024

BY ECF

Honorable Lewis J. Liman
United States District Judge
United States District Court
500 Pearl Street
New York, NY 10007

Re: *Chan v. U.S. Dep’t of Transp.*, No. 23 Civ. 10365 (LJL)
NYACPT v. U.S. Dep’t of Transp., No. 24 Civ. 367 (LJL)
Mulgrew v. U.S. Dep’t of Transp., No. 24 Civ. 1644 (LJL)

Dear Judge Liman:

We write on behalf of the Federal Defendants, with the consent of all parties¹ and pursuant to the Court’s order dated August 9, 2024, to propose a briefing schedule to govern summary motion practice with respect to Plaintiffs’ remaining NEPA claims. The parties have conferred and agree on the following schedule:

	Proposed Deadline
Administrative Record ²	October 25, 2024
Plaintiffs’ Motions for Summary Judgment	December 13, 2024
Defendants’ Oppositions and Cross-Motions for Summary Judgment	January 24, 2025
Plaintiffs’ Oppositions and Replies	February 14, 2025
Defendants’ Replies	March 7, 2025

Because these motions may resolve or significantly narrow the issues presented, the Defendants respectfully request that their time to answer Plaintiffs’ complaints and amended complaints be adjourned until after the Court has decided the parties’ cross-motions for summary judgment. Plaintiffs consent to this request.

¹ As of the time of filing, the New York State Department of Transportation has not yet given its position on this briefing schedule.

² The parties agree that, because this case will be decided on the administrative record, neither party will file a Rule 56.1 Statement. *See Just Bagels Mfg., Inc. v. Mayorkas*, 900 F. Supp. 2d 363, 372 n.7 (S.D.N.Y. 2012).

We thank the Court for its consideration of this schedule and for its attention to this matter.

Respectfully submitted,

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